

SIGNED.



Dated: September 23, 2009

  
JAMES M. MARLAR  
Chief Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re: ) Chapter 13  
WILLIAM R COPE and RUBY )  
ELIZABETH COPE, ) No. 4:09-bk-04215-JMM  
Debtors. ) **MEMORANDUM DECISION**

Creditor JPMorgan Chase Bank, N.A. ("Chase") is a first lienholder on the Debtors' residence. The Debtors' plan seeks to bifurcate its claim (DN 16). Chase objects based upon the applicable case law and statutes (DN 26). Chase is correct. The plan cannot be confirmed unless Chase's treatment is dealt with in accordance with § 1322(b)(2). Its pre-petition arrearages, if any, may be stretched out over a reasonable period. § 1322(b)(5).

The Chase objection to the Debtors' plan, based on its real property lien, is SUSTAINED.

DATED AND SIGNED ABOVE.

COPIES to be sent by the Bankruptcy Notification Center ("BNC") to the following:

Ronald Ryan, Attorney for Debtors

Patricia Doyle-Kossick, Attorney for JPMorgan Chase Bank, N.A.

Dianne C. Kerns, Trustee

Office of the U.S. Trustee